

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-4 and 14-29 remain in this application. Claims 1-4 and 14-16 have been amended. Claims 17-29 have been added.

II. CLAIM REJECTIONS – 35 U.S.C. § 102

The Office Action rejects Claim 4 under 35 U.S.C. § 102 as anticipated by the Gales Article: “Creatives find ‘Bookends’ a Solution to Viewer Apathy.” The rejection is respectfully traversed.

Claim 4 has been amended to clarify the claimed invention and appears as follows:

4. A process for enhancing the viewership of television advertisements in a digital video recorder (DVR) environment, comprising the steps of:

designating a beginning portion of a television advertisement;

wherein said beginning portion is of a particular length of time;

wherein said beginning portion contains more important content designed to get a desired message across to a viewer in the predetermined length of time; and

wherein an advertiser is charged a particular fee by a content provider for placing the television advertisement at a beginning of a commercial break.

In particular, the Gales article does not teach or disclose a system that designates a beginning portion of a television advertisement as claimed in Claim 4.

The Office Action refers to the Gales article and states that the Gales article discloses:

“... splitting of an advertisement into two 15 second spots ...”

Gales teaches away from what is claimed in Claim 4 by teaching that an advertisement is physically split into two 15 second spots. This is not what is claimed in Claim 4. Claim 4 cites that a beginning portion is designated in a television advertisement. Therefore, the Gales article does not contemplate what is claimed in Claim 4.

Gales additionally does not teach or disclose a system wherein said beginning portion contains more important content designed to get a desired message across to a viewer in the predetermined length of time as claimed in Claim 4. Gales does not contemplate such a feature since Gales teaches that an advertisement is split into two 15 second spots.

Gales further does not teach or disclose a system wherein an advertiser is charged a particular fee by a content provider for placing the television advertisement at a beginning of a commercial break as claimed in Claim 4. Gales does not contemplate such a system since Gales makes no mention of such a feature.

Anticipation under 35 U.S.C. § 102 requires a reference to teach or disclose each and every element, limitation, or step of a claim. Since Claim 4 includes at least one element not found in the Gales article, the Gales article does not anticipate Claim 4 under 35 U.S.C. § 102. Reconsideration is respectfully requested.

III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Gales Article: “Creatives find ‘Bookends’ a Solution to Viewer Apathy in further view of Automotive News: Audi Ads focus on technology.” The rejection is respectfully traversed.

Claim 1 has been amended to clarify the claimed invention and appears as follows:

1. A process for enhancing the viewership of television advertisements in a digital video recorder (DVR) environment, comprising the steps of:

designating a beginning portion of a commercial break in a program segment;

wherein said beginning portion is of a particular length of time;  
and

wherein said beginning portion is authored to provide a teaser to entice a viewer to watch commercials during the commercial break before the viewer causes the DVR to skip through the commercial break.

In particular, the Gales article does not teach or disclose a system wherein said beginning portion is authored to provide a teaser to entice a viewer to watch commercials during the commercial break before the viewer causes the DVR to skip through the commercial break as claimed in Claim 1. The Gales article makes no mention of such a system. The Gales article makes no mention of causing a DVR to skip through the commercial break.

Therefore, the Gales Article in view of the Audi article does not teach or disclose the invention as claimed.

Claim 1 is in allowable condition. Claim 2 is dependent upon independent Claim 1. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

#### IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action reject Claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Gales Article: “Creatives find ‘Bookends’ a Solution to Viewer Apathy in further view of Automotive News: Audi Ads focus on technology and Balakrishnan et al. (US 2001/0052135 A1).” The rejection is respectfully traversed.

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant’s comments regarding Claim 1, above. Claim 3 is dependent upon independent Claim 1.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

#### V. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action reject Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Gales Article: “Creatives find ‘Bookends’ a Solution to Viewer Apathy in further view of Automotive News: Audi Ads focus on technology and Balakrishnan et al. (US 2001/0052135 A1).” The rejection is respectfully traversed.

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant’s comments regarding Claim 1, above. Claim 14 is dependent upon independent Claim 1.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

VI. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Gales Article: “Creatives find ‘Bookends’ a Solution to Viewer Apathy in further view of Automotive News: Audi Ads focus on technology, Balakrishnan et al. (US 2001/0052135 A1), and Geer et al. (US 6,788,882 B1).” The rejection is respectfully traversed.

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant’s comments regarding Claim 1, above. Claim 14 is dependent upon independent Claim 1.

However, Applicant would like to comment on the Office Action’s rejection of Claim 15.

Balakrishnan does not teach or disclose wherein the DVR pauses playing the program segment after displaying said teaser as claimed in Claim 15. There is no mention of such a feature in Balakrishnan. Balakrishnan simply displays a menu for a period of time which is interpreted as the length of the commercial break. There is no mention of pausing the playing of a program segment in Balakrishnan. Therefore, Balakrishnan does not disclose what the Office Action posits.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

VII. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejects Claim 16 under 35 U.S.C. § 103(a) as being unpatentable over Balakrishnan et al. (US 2001/0052135 A1) in further view of Geer et al. (US 6,788,882 B1).” The rejection is respectfully traversed.

Claim 16 has been amended to clarify the claimed invention and appears as follows:

16. A process for enhancing the viewership of television advertisements in a digital video recorder (DVR) environment, comprising:

designating a beginning portion of a commercial break in a program segment;

wherein the beginning portion is of a particular length of time;

wherein said beginning portion is authored to cause a DVR to display a menu to a viewer;

wherein the DVR pauses playback of the program segment after displaying the menu; and

wherein the viewer is allowed to skip past the menu and continue viewing the program segment, thereby causing the DVR to unpause the playback of the program segment, or select a particular item via the menu.

As discussed above with respect to Claim 15, Balakrishnan does not teach or disclose a system wherein the DVR pauses playback of the program segment after displaying the menu as claimed in Claim 16. Geer and Balakrishnan further do not contemplate a system wherein the viewer is allowed to skip past the menu and continue

viewing the program segment, thereby causing the DVR to unpause the playback of the program segment, or select a particular item via the menu as claimed in Claim 16.

Neither reference mentions any of these features.

Therefore, Balakrishnan in further view of Geer does not teach or disclose the invention as claimed.

Claim 16 is in allowable condition. Further, newly added Claims 19-29 are similarly in allowable condition.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

#### VIII. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.


The Examiner is invited to telephone the undersigned at (408) 414-1214 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: February 22, 2006

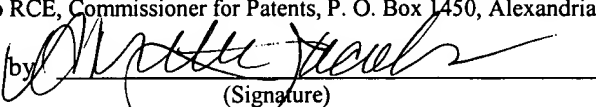
  
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